April 14, 2014

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Hon. Madeline Cox Arleo, U.S.M.J.
United States District Court
Martin Luther King Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: <u>Chaudhri v. Osram Sylvania, Inc., et al.</u> Civil Action No. 11-5504 (SDW) (MCA)

Dear Judge Cox Arleo:

The undersigned is co-counsel with Eichen Crutchlow Zaslow & McElroy, LLP in the above putative consumer fraud and warranty class action. This letter is in response to Mr. Kistler's regarding Plaintiff's proposed motion for summary judgment.

Contrary to counsel's recollection, the Court granted Plaintiff permission to file his motion for summary judgment simultaneously with his motion for class certification. The Court, however, directed Plaintiff to file a letter request with Judge Wigenton only if he still sought to file his motion for summary judgment prior to class certification. As Plaintiff will file his motions concurrently, no input is needed from Judge Wigenton. Thus, there is no basis for Mr. Kistler's letter in light of Your Honor's clear direction and Plaintiff's intended action.

Additionally, defendant's argument regarding the merits and timing of plaintiff's motion is premature. Before defendant contends there are genuine issues of material fact, plaintiff should be allowed to file his motion. As previously represented to this Court, Plaintiff believes that certain claims made by Sylvania regarding its bulbs are ripe for partial summary disposition. Further, because the Court directed the motions be filed together, Plaintiff's motion for summary judgment does not violate the so-called rule against one-way intervention, an issue not raised prior to or during the status conference call.

Accordingly, pursuant to the Court's direction, Plaintiff will be filing his motions for class certification and summary judgment on or before May 12, 2014.

Respectfully submitted,

<u>/s/ John E. Keefe, Jr.</u> JOHN E. KEEFE, JR. For the Firm

JEK:mad

cc: Counsel of Record (via ECF)

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